

**FILED**

**NOT FOR PUBLICATION**

SEP 18 2008

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HEKESI FOLAUMAHINA,

Defendant - Appellant.

No. 05-10613

D.C. No. CR-04-00026-DAE

ORDER

Before: B. FLETCHER, PREGERSON, and CANBY, Circuit Judges.

This case is re-submitted for decision.